

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ANTHONY PRATT,
Plaintiff,

v.

Case No. 04-C-839

**DAVE TARR, LT. PAMELA ZANK, CAPTAIN
MICHAEL DITTMANN and JOAN BRAUN,**
Defendants.

ORDER

On July 26, 2007, plaintiff Anthony Pratt filed a motion to compel and an alternative motion for default judgment. According to plaintiff, defendants have failed to comply with the court's June 21, 2007 order directing them to respond to plaintiff's requests for interrogatories and production of documents on or before July 20, 2007. Plaintiff asserts that as of the date of his motion no notice was given to the court that they complied with the court's order, in spite of the requirement that they are required to send a copy of every paper or document filed with the court to the opposing party or their attorney. See Fed. R. Civ. P. 5(a). However, on July 30, 2007, defendants file a letter with attachments indicating that they did comply with the court's order. Specifically, on July 20, 2007, they sent "Defendants' Response to Plaintiff's First Set of Written Interrogatories and Requests for Production of Documents" to plaintiff along with a "two inches thick stack of documents" in response to his request for production of documents.

Plaintiff is advised that defendants were not required to file their discovery response with the court. The fact that defendants sent the materials to plaintiff means that they

complied with the court's order. Accordingly, plaintiff's motion to compel or for default judgment will be denied.

The parties are advised that defendants' motion to dismiss and motion for summary judgment, and plaintiff's cross-motion for partial summary judgment, will be addressed in a subsequent decision.

For the foregoing reasons,

IT IS ORDERED that plaintiff's motion to compel (Docket #71) is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motion for default judgment (Docket #71) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 5 day of December, 2007.

/s _____
LYNN ADELMAN
District Judge